



PRESENT:

Mr. Sherman W. Litton, Chairman
Mr. Jack R. Wilson, III, Vice-Chairman
Mr. Russell J. Gulley
Mr. F. Wayne Bass
Mr. Daniel A. Gecker
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Glenn E. Larson, Assistant Director, Plans and Information
Branch, Planning Department
Mr. Michael E. Tompkins, Assistant Director/Zoning Administrator,
Development Review, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Linda N. Lewis, Administrative Assistant, Administrative
Branch, Planning Department
Ms. Deanna D. Harkabus, Administrative Secretary,
Administrative Branch, Planning Department
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Mr. R. John McCracken, Director,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Assistant Fire Marshal Steve Hall, Fire and Life Safety,
Fire Department

Dr. Billy K. Cannaday, Jr., Superintendent,
School Administration

7:00 P. M. EVENING SESSION

At approximately 7:00 p. m., Mr. Litton, Chairman, called the Evening Session to order.

A. INVOCATION.

Mr. Wilson presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Gecker led the Pledge of Allegiance to the Flag.

C. REVIEW MEETING PROCEDURES.

There was no review of the meeting procedures.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

E. CONSIDERATION OF THE FOLLOWING REQUEST:

♦ REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.

05SN0293: In Matoaca Magisterial District, **CHESTERFIELD COUNTY BOARD OF SUPERVISORS** requested amendment of Conditional Use Planned Development (Case 88SN0059) and amendment of zoning district map to permit property to be developed as a separate project for use as a school and/or other public facility. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use. This request lies in a Residential (R-7) District on 190.6 acres fronting approximately 1,800 feet on the north line of Powhite Parkway, approximately 1,200 feet east of Old Hundred Road. Tax IDs 724-693-6630; 724-694-5390; and 726-695-Part of 3178 (Sheet 9).

Ms. Peterson presented an overview of the request and staff's recommendation, noting the subject property represented a portion of a 940-acre tract zoned in 1990 as part of the mixed use development known as Centerpointe. She stated, at the time of zoning, the County had no ability to accept cash proffers for development and the mechanism through which applicants addressed impacts on capital facilities was land dedication; the applicant for the project agreed to dedicate thirty-six (36) acres, of which thirty-one (31) acres was to be dedicated for a school or other public facility and five (5) acres was to be dedicated for a fire station or other public facility. She stated the decision before the Commission was whether or not the County should be able to proceed with the use of the thirty-six (36) acres to be dedicated, and/or additional

land within the boundaries of this request, for public facility use independent of the Centerpointe Development.

In response to questions from Mr. Gulley, Ms. Rogers addressed the original zoning request, including the Textual Statement, and displayed plans depicting proposed sites. She stated there was currently a schematic plan pending for the Centerpointe Development, next scheduled for consideration on June 21, 2005. She explained the proposal before the Commission was whether the use of the dedicated acreage, or any acreage acquired for public use, should be able to proceed independent of the Centerpointe schematic plan. She stated the approved zoning required dedication of a total of thirty-six (36) acres, thirty-one (31) of which was shown on the approved Master Plan fronting an East/West Roadway and adjacent to Little Tomahawk Creek. She explained that zoning conditions allowed the exact configuration of tracts to be determined based upon final road alignments; the subject request was not a rezoning but rather an amendment to the existing zoning; that the land area encompassed by the current application exceeded the thirty-six (36) acres required to be dedicated to allow flexibility in the exact boundaries based upon further field and engineering analyses; that a positive decision on the current proposal would allow the County to proceed with the use of the land for public facilities without reliance upon the Centerpointe developers to obtain an approved schematic plan.

In response to questions from Mr. Gecker, Ms. Rogers stated the developer disagreed with staff's determination as to the location of the thirty-six (36) acres, based upon the approved Master Plan and the final delineation of road alignments; however, that issue was not the subject of the application before the Commission; and that an amended zoning application would be required if the developer wished to relocate the thirty-six (36) acres to be dedicated from the quadrant identified conceptually on the approved Master Plan to another portion of the property.

In response to a question from Mr. Gulley, Ms. McGee indicated additional land, if needed, could be acquired through purchase or the eminent domain process.

Ms. Rogers pointed out that, with respect to the thirty-six (36) acre land dedication, the land mass was well defined relative to the quadrant within which it was located and the zoning did not allow that acreage to extend beyond those boundaries. She stated if the developer failed to dedicate the thirty-six (36) acres in accordance with the approved Textual Statement, a zoning violation would exist. She stated the exact location of the thirty-one (31) and the five (5) acre dedication was the subject of debate relative to the schematic plan. She stated if the Commission recommended approval of, and the Board of Supervisors ultimately approved, this request, the land in question could be extracted from the pending overall schematic plan for public facilities purposes but would be included for private use. She explained that the final delineation of the thirty-six (36) acres would be determined by the Planning Department, the County Attorney's Office, the Right of Way Department, the School Board and, ultimately, the Board of Supervisors through their acceptance of the dedication.

In response to a question from Mr. Litton, Ms. Rogers stated if the Board of Supervisors approved the pending request, a decision would be made by the School Board, in conjunction with Planning and Right of Way staff, as to the location of the thirty-six (36) acres as long as the land was encompassed within the 190 acres included in the current proposal and the location conformed to the approved zoning. She further explained, if the land was used for a middle school or a fire station, further zoning or substantial accord action would not be necessary; however, if a decision were made to locate, for example, a high school, or any other type of public facility, substantial accord, or perhaps zoning approval would be required.

In response to questions from Mr. Gulley, Ms. Rogers stated the County was in discussion with the developer relative to the location and dedication of thirty-six (36) acres; however, the overall schematic plan for the Centerpointe Development had been deferred several times in an effort to resolve issues relating to transportation improvements and the phasing plan for those improvements. She stated it became evident to staff that the schematic plan issues may take a long while to resolve and, therefore, the Board initiated the current proposal to allow the County to move forward with use of the land for public facility purposes in a timely manner.

Mr. Litton emphasized the public hearing was relative to only the subject property to permit the property to be developed as a separate project for use as a school and/or other public facility and not discussion on whether a middle school should be located on this site or further to the west.

Dr. Billy Cannaday, the applicant's representative and Superintendent of Schools, indicated the application before the Commission conformed to the August 24, 2004, adopted School Board resolution relative to the locational criteria for a middle school as well as the amendments to the Public Facilities Plan, as recommended by the Planning Commission.

In response to questions from Mr. Litton, Dr. Cannaday stated he was comfortable that, if the School Board desired, a viable middle school site could be found within the boundaries of the 190 acres and that the recommended transportation conditions outlined in the "Request Analysis" were acceptable.

Mr. Bass stated the Board of Supervisors had not yet considered and/or adopted the proposed amendment to the Public Facilities Plan and noted a middle school at this location did not comply with the adopted Plan.

In response to Mr. Bass' comments, Ms. Rogers stated the issue before the Commission was not whether this particular site complied with the Public Facilities Plan but rather the dedication of thirty-six (36) acres to the County. She stated the required land dedication existed regardless of whether or not a public facility was ever constructed on the site; and the request before the Commission would allow the County to accept and use the land, if it so desired, for a middle school, fire station, park or other public facility or to sell the land to generate revenue to expend on other public facilities in other areas of the County. She further noted the proposed land use outlined in the "Request Analysis" not only indicated that a middle school could be permitted but also that the request would allow the school site or any other public facility to be developed independent of the schematic plan for the Centerpointe Project.

Mr. Litton opened the discussion for public comment and asked that those wishing to speak direct their remarks to the subject request and limit their comments to approximately three (3) minutes.

Mr. Jason Livingston, a member of the Board of Directors of the Brandermill Community Association, read a prepared statement from the Board relative to the siting of a new middle school west of Woodlake Parkway. He stated the Centerpointe site was not the appropriate location for a new middle school to serve the western corridor of the County; asked that the current application be terminated and that the Commission rescind their recommendation to amend the Public Facilities Plan.

Ms. Shelly Shutte, a resident of Hampton Park, questioned if part of the reason such a large portion of the 190 acres being sought was because the developer agreed to pay for the Powhite Parkway/Charter Colony Parkway interchange and was now not following through with the agreement. She requested that the

developer be held to the original zoning to dedicate land, as well as provide road improvements. She suggested that the School Board evaluate the appropriateness of using the dedicated land for an elementary school in the future to serve future residents of the Centerpointe Development. She referenced policies and procedures for eminent domain, noting she understood that before such a process could be used, a determination should be made that no other sites were available to accommodate a facility. She noted she had submitted a Freedom of Information Act request regarding the site selection process but had not received a response from the County. She stated she felt the assumption the Board of Supervisors would approve the amendment to the Public Facilities Plan was premature and requested the Commission either deny or defer the pending application until the Board acted on the pending amendment to the Public Facilities Plan.

Ms. Allison Goble, a resident of Hampton Park, indicated action on the current proposal would be premature until the Board acted on the pending amendment to the Public Facilities Plan.

Ms. Brenda Stewart, a Matoaca District resident, expressed concerns that the Board of Supervisors had not yet taken action on the amendment to the Public Facilities Plan and that action on the subject request was premature; questioned why the County did not follow its own policies with respect to substantial accord and eminent domain processes; and stated it would appear that the Public Facilities Plan, in effect at the time of the bond referendum, should be the Plan controlling where the money the citizens approved in the bond referendum was spent. She stated the current Public Facilities Plan, which involved much data collection, analysis and study, was adopted in April 2004; however what had been conspicuously absent during the discussions was data to support locating a middle school at Centerpointe. She stated following the appropriate policies and procedures would save a great deal of taxpayers' money and asked the Commission to defer the request.

Ms. Kathy Kirk, a resident of the Matoaca District, stated she felt the action being considered was premature; should be postponed until such time as the Board of Supervisors rendered a decision on the proposed Public Facilities Plan amendment on June 22, 2005; and requested the Commission defer action. She questioned what legal authority the School Board had to establish new locational boundaries for the middle school outside the auspices of the Public Facilities Plan for a feature that was listed on the Comprehensive Plan.

Mr. Tom Miller, a resident of the Bermuda District, expressed concerns relative to what he described as a misunderstanding regarding the bond campaign, middle school sites and some of the controversy associated therein. He stated, as a previous Chair of the Bond Committee and participant on the 2004 Committee, he wished to address allegations by those who felt they were misled regarding the bond referendum and in particular, the middle school site location. He explained that the Bond Committee's responsibility was to disseminate appropriate information from the two (2) elected bodies regarding proposed facilities; that, although the Committee spoke to over sixty (60) groups, many of the meetings were not well attended; that it was plausible that citizens made assumptions about the school bond projects that were inaccurate; that many people disagreed philosophically with, and had difficulty understanding why, the County did not build projects based on long-range projections; and that the Committee disseminated and explained all the information thoroughly and factually. He emphasized that the area reflected for a new middle school in the information disseminated reflected a site at, or near, Route 288 in the vicinity of Centerpointe.

Ms. Terri Anderson, a resident of Hampton Park, questioned the necessity for the action on the subject request at this time.

In response to Ms. Anderson's questions, Mr. Gecker explained the County's Proffer Policy, pre and post inception; that the subject request involved a the developer's contribution to the capital needs of the County in the form of land instead of cash; the developer's failure to present an adequate phasing plan for the transportation requirement; that the County was not relieving the developer of his obligations; and that a decision on the proposal being considered this evening only allowed the County to proceed with the use of the acreage without reliance upon the Centerpointe developers to obtain an approved schematic plan.

Mr. Bass stated the use of the land for a middle school was still being negotiated and had not been decided upon at this time.

Ms. Martie Mitchell, representing the Woodlake Homeowners Association and the Woodlake Womens' Club stated the proposal was premature; stated she did think there was definitely a misunderstanding or an assumption on the part of the citizens during the bond referendum process; questioned why the compromise decided by the School Board in August 2004 was not discussed during the bond campaign; indicated elements such as opportunity, economics and liability costs should be considered; stated data supported the need for a middle school in the western portion of the County; and that it would be appropriate to defer the proposal until the Board of Supervisors had an opportunity to address the amendment to the Public Facilities Plan.

Ms. Andrea Epps, a resident of Brandermill, addressed the adopted Public Facilities Plan, noting the Plan indicated the need for four (4) new middle schools in the County by 2012; addressed statistics relative to students living within the Genito and Gordon communities that were bussed west to school and students in the western communities attending those schools, all of which contributed to the overcrowding of the area schools; stated she understood there were people willing to wait until 2010 or 2011 to have new schools to relieve the overcrowding; however, personally, she was not willing to wait that long because the children, regardless of where they lived, needed schools.

Mr. Peter Martin, a Matoaca District resident, expressed concerns that a school in the Centerpointe area would have substantial transportation costs and that a western location would better serve the population.

Ms. Patty Carpenter, a Midlothian District resident and Chair of the 2004 School Bond Referendum Campaign, distributed copies of the 2004 bond campaign information; presented a PowerPoint presentation of the information, including a map depicting various bond projects; and stated she wished to clarify some of the apparent misunderstanding. She stated, at each meeting, questions were asked and answered and were sometimes controversial, especially as they related to the middle school site; however, the committee felt the information was clearly understood. She stated it was her opinion the public was not misled; that while the Committee attempted to speak with as many residents as possible, they found apathy regarding the bond proposal; that the information disseminated clearly showed a middle school in the Centerpointe area; and that a deviation from the location identified on the bond referendum information would result in the loss of voter confidence.

In response to questions from the Commission, Ms. Carpenter stated she attended the Bond Committee meeting conducted in the Hampton Park community at which the map depicting a new middle school site in the vicinity of Centerpointe was displayed and discussed; there was significant debate concerning the site;

and it was apparent that the Hampton Park community in attendance was opposed to the location; and that a meeting conducted for the Task Force for Responsible Growth also revealed a dissatisfaction with the location.

In response to questions from Mr. Bass, Ms. Carpenter stated the information disseminated by the Bond Committee was provided by the County.

In response to questions from Mr. Gecker, Ms. Carpenter reviewed the bond referendum map and the locations for the proposed new schools outlined in the referendum.

Ms. Robin Leahy, representing the Midlothian District and President of the Parent Teachers Association of Betty Weaver Elementary School, stated there were many people dedicated and committed to getting the bond referendum passed; that she understood the site delineated on the map relieved three (3) middle schools (Swift Creek, Midlothian and Bailey Bridge Middle Schools); and that the Commission needed to ensure their decisions touched and relieved as many people as possible. She stated one (1) school could be located to relieve three (3) schools/communities.

Ms. Rebecca King, a County resident, stated the current proposal would not affect the Board of Supervisors' final determination as to the location of a middle school. She stated the County was currently losing ground in its early acquisition of land for new facilities and that it would be prudent to acquire property that could, at a later time, be used for public purposes. She stated she believed the Centerpointe Property would be acceptable for an elementary school should the decision be made not to construct a middle school and, therefore, the County should move forward with acquiring the land. She stated she also supported a new middle school for the western area of the County.

Mr. Rob Kebler, a resident of Hampton Park, questioned why, if the issue was not the location of a middle school, did the "Request Analysis" specifically address the middle school. He requested deferral of the application until the Board acted on the pending Public Facilities Plan amendment.

Ms. Kitty Snow, a County resident, stated, contrary to previous statements, at meetings she attended regarding the bond referendum, statements were made to first get the bond referendum passed and then the exact location of the middle school would be set later. She stated Dr. Cannaday was the only person who specifically stated the school may not be located west of Route 288 but rather east of Route 288.

Ms. Leigh Diller, a resident of Woodlake, questioned whether or not the acquisition of additional land at the Centerpointe site necessitated the use of the eminent domain process.

Ms. Marleen Durfee, representing the Task Force for Responsible Growth, stated the Task Force had followed the bond referendum and various Plans; asked that the current Public Facilities Plan be maintained, and that the Commission defer action on this matter until after Board action on the pending amendment to the Public Facilities Plan.

In response to questions from Mr. Wilson, Ms. Durfee stated the Task Force had the first bond campaign meeting and the map displayed earlier was not presented at that meeting; that she was not mislead by the presentations and had no confusion in terms of what the bond referendum was to do in terms of monies; that she understood the blue dot on the map indicated the general location of the proposed middle school; that she understood the entire scenario and had advised the Board of Supervisors not to pit one (1) district

against another with this action; that the Task Force, after listening to County staff and the bond committee, knew there was a compromise and that the people who needed the school the most were not getting it because of the compromise; that the meetings she attended were very sparse and not well attended so there was not a good indication as to the buy in from the public as to the particular dot reflected on the map.

There being no one else to speak, Mr. Litton closed the public comment.

Mr. Litton commented that, at their last meeting, the Board of Supervisors initiated a zoning application, advertised/scheduled a public hearing on the subject request on June 22, 2005, and directed the Planning Commission to conduct the appropriate public hearing to take action prior to June 22nd.

Mr. Wilson stated the notion of a deferral was not before the Commission because the Board of Supervisors had already scheduled a public hearing on June 22, 2005, and directed the Commission to conduct a public hearing to make a recommendation prior to June 22nd.

Mr. Gecker stated the case before the Commission was initiated at the Board of Supervisors level, to include the middle school, and amending the request to remove the middle school language was not within the purview of the Commission.

In response to a question from Mr. Bass, Ms. McGee stated the request was in compliance with County and State Codes.

Mr. Bass stated he had no indication from County Right of Way staff or the School Board that any other sites had been reviewed.

In response to questions from Mr. Bass, Ms. Rogers explained the site selection process, noting County policy required, prior to selecting any site for a public facility, that sites be evaluated through the site selection process; a site selection process had been, or was currently being, conducted for all of the public facilities that were part of the bond referendum; and that the site selection committee was comprised of County staff and active in an ongoing status.

Mr. Bass stated there had been much discussion regarding the Centerpointe location; that he had been working on this case for approximately six (6) months; and that the schematic plan was still being negotiated and hopefully, in June, would be acted upon so that development could proceed. He stated he disagreed with acting upon the current proposal prior to the Board's action on the proposed amendment to the Public Facilities Plan.

Mr. Bass made a motion to defer Case 05SN0293 to the August 16, 2005, Planning Commission meeting to allow the legalities of the Centerpointe site to be resolved and to allow the Board of Supervisors to make a decision on the proposed amendment to the Public Facilities Plan.

In response to questions from Mr. Litton, Ms. Rogers indicated she was not aware of how the Board would schedule items at their June meeting; however, the case before the Commission was simply that the developer was required to dedicate land to the County, even if there had been no bond referendum; and the County wanted to accept the land dedication and use the property independent of the developer's plans for the rest of the property. With respect to discussions with the developer regarding potential

acquisition/dedication of additional land, the developer needed to speak with the County Right of Way Department. She stated the current process, unlike the process in 1989, required that sites proposed for dedication as part of a zoning application be evaluated by the site selection committee before staff produced a zoning recommendation to the Commission. She further explained that the manner in which zoning cases were evaluated in 1989, with respect to developers addressing the impact on capital facilities and prior to the ability to accept cash proffers, was land dedications; there were numerous land dedication agreements prior to the County's ability to accept cash proffers; and that there were currently dedication requirements throughout the County that may never be used for a public facility but used by the County to reap economic benefits through the sale of such land.

In response to questions from Mr. Gulley, Ms. Rogers stated not all zoning cases, for which there were land dedication requirements, necessitated schematic plan approval and, therefore, the required dedications could occur as part of subdivision and/or site plan approval. She stated the issue with the Centerpointe Development was that a mixed use project required schematic plan approval to allow evaluation of the placement of the land uses in relationship to each other, a phasing of road improvements, land dedication and compliance with other zoning requirements.

In response to a question from Mr. Bass, Ms. Rogers stated the statement in the "Request Analysis," that a middle school site on a portion of the property complied with the proposed amendment to the Public Facilities Plan, as recommended by the Planning Commission, was factual information.

Mr. Bass stated he felt staff's reasons for recommending approval were misleading and the request should be deferred for ninety (90) days to allow for the possibility of obtaining the land the County wanted to be used for public property without any court action or cost for the land.

Ms. Rogers stated that action could be achieved independent of the subject request and that even if the subject request proceeded forward, staff had the ability to negotiate obtaining additional land. She stated approval of the request afforded the County the ability to proceed with development of any dedicated or acquired land for public use independent of the developer for Centerpointe.

At the request of Mr. Litton, Mr. Turner reviewed questions posed by those who spoke at the public hearing. In response, he stated the purpose of the application was to allow the County to be able to use the property it was entitled to use without reliance on the actions of the Centerpointe developer; the potential for an elementary school site at the Centerpointe Development was a School Board issue; an analysis on a western site was evaluated through the Public Facilities Plan; the use of eminent domain was a Board of Supervisors' issue; and whether or not there would be a need to condemn property if additional land were needed was a School Board and Board of Supervisors' decision.

In response to questions from Mr. Gecker, Ms. Rogers stated the County's Charter exempted the County from obtaining substantial accord approval for a facility that was required to be dedicated to the County through zoning action. She explained that since the pending case specifically addressed the potential for a middle school and a fire station, those facilities would not require substantial accord approval; however, if land were used for other facilities not expressly stated in this application, the facility would require substantial accord approval.

Mr. Litton addressed previously expressed concerns relative to whether or not condemnation proceedings would be necessary if a landowner did not want to sell his land, noting the School Board would have to

determine if they needed the additional land and, if they so determined and the landowner was unwilling to sell, they would have to initiate condemnation proceedings to obtain the land. He stated he did not anticipate that action would occur.

Ms. McGee clarified that eminent domain was not by any means the necessary next step; that negotiations for purchase, gift, donation or any other option remained available after this case.

In response to questions from Mr. Wilson, Ms. McGee stated before the County could initiate eminent domain proceedings, an offer to purchase the property would have to be made at a bona fide price; that only if the landowner rejected the monetary offer, and the County decided to move forward, would eminent domain proceedings be initiated, assuming no other option were achieved.

Mr. Bass restated his motion for deferral of Case 05SN0293 to the August 16, 2005, Planning Commission meeting. Mr. Gulley seconded the motion for purposes of discussion.

Mr. Gulley stated, although the Commission requested the public comments be limited to the subject request, some people felt this would be their only opportunity to address whether a middle school should be in the Centerpointe or western area of the County. He addressed concerns relative to perceptions of the public process and the process being ridiculed; referenced email correspondence concerning statistics projecting high school and middle school attendance with proposed and/or actual boundary changes; addressed the bond referendum campaign, indicating he felt the Bond Committee simply presented information provided to them; stated he took issue with the elected officials who failed to act on the Public Facilities Plan so that the Plan reflected the alternative location suggested by the School Board; that the public was deceived because there was contradictory information disseminated; that the middle school site reflected on the bond referendum map did not adhere to the adopted Public Facilities Plan; and that a great deal of misinformation and tainted information had been disseminated during the bond referendum process. He further stated he wanted to address a statement that was made at a previous Commission meeting that "the difference between what it would cost to renovate the current Clover Hill High School and building a new one is the cost to build a new middle school," noting that a Feasibility Study completed in 2002 indicated that the difference between the cost of renovating Clover Hill High School and constructing a new high school was not sufficient dollars to cover the cost of constructing a new middle school. He stated the currently adopted Public Facilities Plan did not recommend a middle school in Centerpointe; that he concurred with Mr. Bass that the proposal before the Commission was premature until the Board of Supervisors' took action on the amendment to the Public Facilities Plan; and that deferral of the request would allow Mr. Bass to negotiate with the Centerpointe developer on land dedications and acquisitions. He again addressed attendance statistics, noting the amount of land in the Matoaca District that had been zoned for residential development would ultimately have an impact on school capacities. He stated that if the County acquired the dedicated property and then used eminent domain to acquire the rest of the property, the County would only have to construct road improvements to accommodate the school and fire station sites, leaving the developer with the majority of the transportation improvements.

Mr. Wilson stated the issue as to the location of the middle school and the amendment to the Public Facilities Plan was debated at the April 21st meeting and that the Board of Supervisors had scheduled consideration of the amendment. He stated the Commission's recommendation on the Public Facilities Plan was consistent with the School Board's request and consistent with the information that was presented to the public during the bond referendum, none of which was pertinent to the proposal at this time. He stated the request before the Commission was a zoning amendment that would enable the

County to extricate itself from the Centerpointe developer's schematic plan issues; and that nothing in this zoning case would prejudice the Board's decision on the pending amendment to the Public Facilities Plan because the Board could approve this case and still not be obligated to amend the Public Facilities Plan.

Mr. Gecker stated he saw no reason to defer the request; that the decision on the location of a new middle school would be decided through the amendment to the Public Facilities Plan. He addressed the Feasibility Study, referenced by Mr. Gulley, noting that the consultant was asked to determine how to renovate existing Clover Hill High School to the same standards as the new Matoaca High School and that the data revealed it was not economically feasible. He stated the study did not address the feasibility of renovations to a standard of what was appropriate for a Chesterfield County public high school. He stated he did believe the real cost difference between renovation of Clover Hill High School and construction of a new high school to be roughly equivalent to the cost of a new middle school; however, instead of constructing two (2) new middle schools and renovating Clover Hill High School, the Clover Hill District representatives supported a new high school and one (1) new middle school. He stated he recalled reading in The Observer that Ms. Pettitt, the Clover Hill District School Board representative, acknowledged that a deal was made to move the bond referendum forward with a new Clover Hill High School and a middle school in the Centerpointe area. He stated he was never a proponent of the Centerpointe site; he believed the site should be further east; and that he did not believe that the public process was not followed. He stated there had been a number of meetings, as Mr. Wilson pointed out, on the topic of school locations. He stated, however, the issue before the Commission, at this time, was simply that the County was entitled to acreage at Centerpointe and should the County be able to develop the acreage independently. He stated the decision on the school site location would be decided by the Board; that deferral served no purpose; and the Commission should take action. He stated much untrue information had been disseminated and over time became truth; that he felt the process had been complete and fair; ultimately, the School Board and the Board of Supervisors arrived at a compromise to replace Clover Hill High School; that he did not support a deferral; and felt the request should be moved forward to the Board of Supervisors.

Mr. Litton stated he concurred with Messrs. Wilson and Gecker, stating he would not support the deferral. He stated a recommendation for approval of the current proposal did not dictate the location of a middle school but rather offered an option.

The vote on Mr. Bass' motion to defer Case 05SN0293 to the August 16, 2005, Planning Commission meeting was as follows:

AYES: Messrs. Gulley and Bass.
NAYS: Messrs. Litton, Wilson and Gecker.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 05SN0293, subject to the following conditions:

CONDITIONS

1. Prior to any site plan approval, ninety (90) foot wide rights of way for Center Pointe Parkway and for Brandermill Parkway across the entire parcel of the middle school site, as determined by the Transportation Department, shall be recorded. (T)

2. Direct access from the middle school site to Center Pointe Parkway and to Brandermill Parkway shall be approved by the Transportation Department. (T)
3. Prior to issuance of an Occupancy permit for the middle school, the following road improvements shall be completed, as determined by the Transportation Department:
 - a. Construction of Center Pointe Parkway as a two-lane facility from its current terminus to the western boundary of the middle school site.
 - b. Construction of Brandermill Parkway as a two-lane facility across the entire parcel of the middle school site.
 - c. Construction of additional pavement along Center Pointe Parkway and along Brandermill Parkway at each approved access to provide left and right turn lanes, based on Transportation Department standards.
 - d. Dedication to Chesterfield County, free and unrestricted, of any additional right of way (or easements) required for the improvements identified above. (T)

AYES: Messrs. Litton, Wilson and Gecker.

NAYS: Messrs. Gulley and Bass.

F. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gecker, seconded by Mr. Wilson, that the meeting adjourned at approximately 9:56 p. m. to June 21, 2005, at 12:00 Noon in Room 502 of the Administration Building at the Chesterfield County Government Complex.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

Chairman/Date

Secretary/Date